

REMARKS

I. Status of the Application and Claims

Claims 10-26 are pending. With entry of the above amendment canceling claims 19 and 20, claims 10-18 and 21-26 remain pending. Applicants cancel non-elected claims 19 and 20 without prejudice or disclaimer to the subject matter claimed therein, and reserve the right to pursue such subject matter in a continuation or divisional application. Applicants request entry of the above after final amendment as it places the claims in condition for allowance, or reduces the number of issues for appeal. Claims 10-18 and 21-23 remain rejected, and claims 24-26 are rejected, as obvious under 35 U.S.C. § 103(a).

II. Priority Based On French Application FR99/04443

The Office acknowledges Applicants' claim for foreign priority based on French application FR99/04443, filed April 9, 1999. Office Action, page 3. The Office states, however, that a certified copy has not yet been filed as required by 35 U.S.C. § 119(b). *Id.* Applicants file herewith a certified copy of French application FR99/04443, filed April 9, 1999, and a verified English-language translation of the same application. Accordingly, the requirements for the priority claim under 35 U.S.C. § 119(b) have been met.

III. Rejections Under 35 U.S.C. § 103(a)

Claims 10-18 and 21-23 remain rejected, and 24-26 are rejected, under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application No. US 2002/0031527 to

Wu ("*Wu*") in view of U.S. Patent No. 6,451,256 to *Sene* ("*Sene*"). (Office Action, pages 4-5.) The Office maintains the rejection because only one inventor, Francis Blanche, signed the Declaration Under 37 C.F.R. § 1.131 filed April 2, 2003. *Id.* Applicants traverse this rejection for reasons of record, and as supplemented herein.

Applicants submit herewith a Declaration Under 37 C.F.R. § 1.131 of both co-inventors, Francis Blanche and Shian-Jiun Shih, that establishes that a reduction to practice of the claimed invention occurred prior to the November 16, 1998, priority date of the *Wu* patent application. As a result, *Wu* cannot be used as a reference under 35 U.S.C. § 103(a), as *Wu* was filed after the claimed invention was made. *M.P.E.P.* § 715.02. Thus, this rejection should be withdrawn.

Furthermore, Applicants submit that there is no evidence of record that the secondary reference, *Sene*, alone teaches or suggests the claimed invention. In addition, there is no evidence of record that indicates that one of ordinary skill in the art would have been motivated to modify *Sene* to devise the claimed invention.

Applicants respectfully request reconsideration and withdrawal of the rejection, and allowance of the pending claims.

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SUMMARY

Applicants submit that this application is in condition for allowance. An early and favorable action is earnestly solicited.

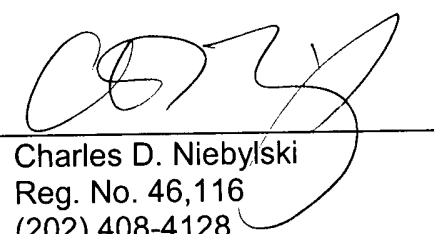
Please grant any extensions of time required to enter this amendment and response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: _____


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